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TASMANIA

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LAND USE PLANNING AND APPROVALS AMENDMENT (TAKING EFFECT OF PERMIT) BILL 2026

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LAND USE PLANNING AND APPROVALS AMENDMENT (TAKING EFFECT OF PERMIT) BILL 2026

(Brought in by the Minister for Housing and Planning, the Honourable Kerry John Vincent)

A BILL FOR

An Act to amend the *Land Use Planning and Approvals Act 1993*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Land Use Planning and Approvals Amendment (Taking Effect of Permit) Act 2026*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

*No. 70 of 1993

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4. Section 42C amended (When permit that relates to LPS amendment takes effect)

Section 42C of the Principal Act is amended as follows:

(a) by omitting from subsection (1)(b) "permit;" and substituting "permit.";

(b) by omitting paragraphs (c) and (d) from subsection (1);

(c) by inserting the following subsection after subsection (1):

(1A) For the avoidance of doubt, the taking effect of a permit under subsection (1) does not affect –

(a) any requirement under this Act or another Act to obtain an approval, however described, in relation to the use or development to which the permit relates; or

(b) any requirement under the permit, including a requirement to enter into an agreement.

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5. Section 53 amended (When does a permit take effect?)

Section 53 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "subsections (2), (3) and (4)" and substituting "subsections (2) and (3)";

(b) by omitting from subsection (1A) "subsections (1B) and (4)" and substituting "subsection (1B),";

(c) by omitting subsection (4) and substituting the following subsection:

(4) For the avoidance of doubt, the taking effect of a permit under this section does not affect –

(a) any requirement under this Act or another Act to obtain an approval, however described, in relation to the use or development to which the permit relates; or

(b) any requirement under the permit, including a requirement to enter into an agreement.

(d) by omitting subsection (6).

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6. Section 60ZZS amended (When major project permit takes effect)

Section 60ZZS of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

(3) The taking effect of a major project permit under this section does not affect any requirement under this Act or another Act to obtain an approval, however described, in relation to the use or development to which the permit relates.

7. Section 87I inserted

After section 87H of the Principal Act, the following section is inserted in Division 2:

87I. Savings and transitional – *Land Use Planning and Approvals Amendment (Taking Effect of Permit) Act 2026*

(1) In this section –

amending Act means the *Land Use Planning and Approvals Amendment (Taking Effect of Permit) Act 2026*;

commencement day means the day on which the amending Act commences;

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former Act means this Act as in force immediately before the commencement day.

(2) This section applies to a permit to which section 42C(1) of the former Act applied if, immediately before the commencement day –

(a) the permit had not taken effect because an approval referred to in section 42C(1)(c) of the former Act had not been obtained or an agreement referred to in section 42C(1)(d) of the former Act had not been executed; and

(b) the permit had not lapsed under section 42C(2) of the former Act.

(3) This section applies to a permit to which section 53 of the former Act applied if, immediately before the commencement day –

(a) the permit had not taken effect because an approval referred to in section 53(4) of the former Act had not been obtained or an agreement referred to in section 53(6) of the former Act had not been executed; and

(b) the permit had not lapsed under section 53(5) of the former Act.

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(4) This section applies to a major project permit to which section 60ZZS of the former Act applied if, immediately before the commencement day –

(a) the permit had not taken effect because an approval referred to in section 60ZZS(3) of the former Act had not been granted; and

(b) the major project permit had not lapsed under section 60ZZT of the former Act.

(5) On and after the commencement day, sections 42C, 53 and 60ZZS, as amended by the amending Act, apply in relation to a permit or major project permit to which this section applies, as the case requires.

(6) If a permit or major project permit to which this section applies would have taken effect on or before the commencement day, had the amendments made by the amending Act been in force when the permit or major project permit was granted, the permit or major project permit is taken, for the purposes of this Act and on and after the commencement day, to have taken effect on the day on which it would have so taken effect.

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8. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

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